

MEMORANDUM

TO: Regional Directors

FROM: John M. Daniel, Jr., P.E., DEE
Director, Air Division

SUBJECT: Memo Number 97-1002 , Implementation of Exclusionary General Permit
Regulation (9 VAC 5 Chapter 500)

DATE: July 28, 1997

COPIES: Regional Permit Managers, Air Permit Managers

Attached for immediate use is the implementation package for the Exclusionary General Permit, which became effective July 1, 1997. This is an alternative permit mechanism for certain major sources to operate in lieu of Title V or State Operating Permits. To qualify for the general permit, facilities must be able to maintain actual emissions levels 50% or less than the Title V threshold emission levels. The Exclusionary General Permit is Virginia's alternative to EPA's Potential-to-Emit Transition Policy, which will end on July 31, 1998. This General Permit provides another tool for facilities to opt out of the Title V permit program.

The package includes implementation procedures, the application form, application review checklist, general permit and various form letters that can be used by the regional air permit staffs to request and process permit applications under this new program.

Regional air permit staffs are requested to contact those facilities currently operating under the Transition Policy by September 2, 1997. This is necessary to insure that these major sources have adequate time to assess whether their facility can submit an application for coverage under the General Permit, or if they will need to submit either a Title V or State Operating permit application. A form letter is provided in this guidance package which can be used for this purpose.

Attachments

1. Application Form - Form 500
2. Exclusionary General Permit (9 VAC 5 Chapter 500)
3. Permit Procedures
 - a. Application Transmittal Letter - Form GP-1
 - b. Application Review Checklist - Form GP-2
 - c. Authorization Letter - Form GP-3
 - d. Application Review Letter - Form GP-4
 - e. Ineligibility Letter - Form GP-5



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY(DEQ)
Exclusionary General Air Permit

COMMONWEALTH OF VIRGINIA- DEQ

DOCUMENT CERTIFICATION FORM

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE: _____ DATE: _____

NAME: _____

TITLE: _____

COMPANY: _____

REGISTRATION NUMBER: _____

Reference: Virginia Regulations, 9 VAC 5 Chapter 500

VIRGINIA DEQ - EXCLUSIONARY GENERAL AIR PERMIT

COMPLIANCE CERTIFICATION FORM	
Registration number (if applicable):	
Company name and address:	
Plant name and address (if different):	Plant site manager or contact:
	Telephone:
Description of source processes and products, by SIC:	

Owner signature:	Date:
The applicant above certifies that the entire facility as described in this application will operate in compliance with 9 VAC 5 Chapter 500 and in such a manner that results in actual air emissions below the exemption levels in 9 VAC 5-500-90.	

(LIST ALL INDIVIDUAL PROCESSES AND PIECES OF EQUIPMENT SUCH AS COMBUSTION SOURCES, CHEMICAL PROCESSES, ETC.)

[illegible]

**** Required:** Specify units for each operation in tons, pounds, gallons, etc., as applicable.

CRITERIA POLLUTANT EMISSIONS (MAY BE OPTIONAL-CONTACT DEQ REGIONAL OFFICE)

COMPANY NAME	DATE	REGISTRATION NUMBER
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[illegible]

Code M - Emission Estimate Method (provide detailed calculations including assumed control efficiency of control equipment to support reported values)

1. Stack Test (include a copy of summary)
2. Material Balance (include calculations)
3. Emission Factor (identify source) and include calculations
99. Other (describe) _____

* TSP, PM₁₀, VOCs should also be split up by component and reported under HAZARDOUS POLLUTANTS.

TOXIC OR HAZARDOUS OR OTHER REGULATED POLLUTANT EMISSIONS (MAY BE OPTIONAL-CONTACT DEQ REGIONAL OFFICE)

COMPANY NAME	DATE	REGISTRATION NUMBER
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[illegible]

Code M - Emission Estimate Method (provide detailed calculations including assumed control efficiency of control equipment, if applicable)

1. Stack Test (include a copy of summary)
2. Material Balance (include calculations)
3. Emission Factor (identify source) and include calculations
99. Other (describe) _____

EXCLUSIONARY GENERAL PERMIT FOR FEDERAL OPERATING PERMIT PROGRAM

(9 VAC 5 Chapter 500)

The Commonwealth of Virginia has in place a federal operating permit program (Article 1 of 9 VAC 5 Chapter 80) to meet the requirements of Title V of the Federal Clean Air Act.

The Exclusionary General Permit provides a legally enforceable mechanism for major sources subject to the federal operating permit program to be excluded from the program provided they maintain their actual annual emissions at a level that is 50% of the major source, potential to emit applicability thresholds for the federal operating permit program. This is one of two alternative permit mechanisms available to exclude major sources from the federal operating permit program; the other is the state operating permit program (9 VAC 5-80-40). The regulation does not require any owner to apply for coverage under the general permit but provides the opportunity for an owner to apply for coverage if the stationary source meets the 50% of the threshold criteria and all other requirements of the regulation.

Stationary sources that qualify as a major source as defined in the federal operating permit program may apply for an Exclusionary General Permit provided that their actual emissions in the two annual periods (24 consecutive months) preceding submittal of a permit application do not exceed any of the following levels:

1. 50 tons per year of any regulated air pollutant (excluding pollutants cited in item 2 below for the localities cited in item 2 and hazardous air pollutants).
2. 25 tons per year of volatile organic compounds or nitrogen oxides in the following localities: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.
3. 5 tons per year of a single hazardous air pollutant.
4. 12.5 tons per year of any combination of hazardous air pollutants.

The Exclusionary General Permit may not be issued to any stationary source required to obtain a federal operating permit for any reason other than being a major source. This primarily includes, but is not limited to, any source, including an area source, subject to any standard or other requirement adopted pursuant to § 111 (40 CFR Part 60) or § 112 (40 CFR Parts 61 and 63) of the federal Clean Air Act.

LIST OF 188 HAZARDOUS AIR POLLUTANTS UNDER TITLE III (SECTION 112) OF THE 1990 CLEAN AIR ACT AMENDMENTS

CAS Number	Chemical Name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl) ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (mixed isomers)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, (2,4-Dichlorophenoxyacetic Acid) (including salts and esters)
72559	DDE (1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene)
334883	Diazomethane
132649	Dibenzofuran
96128	1,2-Dibromo-3-chloropropane
84742	Dibutyl phthalate
106467	1,4-Dichlorobenzene
91941	3,3'-Dichlorobenzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
64675	Diethyl sulfate
119904	3,3'-Dimethoxybenzidine
121697	N,N-Dimethylaniline
60117	4-Dimethylaminoazobenzene

119937	3,3'-Dimethylbenzidine		
79447	Dimethylcarbamoyl chloride		
68122	N,N-Dimethylformamide		
57147	1,1-Dimethylhydrazine		
131113	Dimethyl phthalate		
77781	Dimethyl sulfate		
	4,6-Dinitro-o-cresol (including salts)		
51285	2,4-Dinitrophenol		
21142	2,4-Dinitrotoluene		
123911	1,4-Dioxane (1,4-Diethyleneoxide)		
122667	1,2-Diphenylhydrazine		
106898	Epichlorohydrin (1-Chloro-2,3-	epoxypropane)	
106887	1,2-Epoxybutane		
140885	Ethyl acrylate		
100414	Ethylbenzene		
51796	Ethyl carbamate (Urethane)		
75003	Ethyl chloride (Chloroethane)		
106934	Ethylene dibromide	(Dibromoethane)	
107062	Ethylene dichloride (1,2-	Dichloroethane)	
107211	Ethylene glycol		
151564	Ethyleneimine (Aziridine)		
75218	Ethylene oxide		
96457	Ethylene thiourea		
75343	Ethylidene dichloride (1,1-	Dichloroethane)	
50000	Formaldehyde		
76448	Heptachlor		
118741	Hexachlorobenzene		
87683	Hexachlorobutadiene		
77474	Hexachlorocyclopentadiene		
67721	Hexachloroethane		
822060	Hexamethylene diisocyanate		
680319	Hexamethylphosphoramide		
110543	Hexane		
302012	Hydrazine		
7647010	Hydrochloric acid (Hydrogen	chloride [gas only])	
7664393	Hydrogen fluoride (hydrofluoric	acid)	
123319	Hydroquinone		
78591	Isophorone		
	1,2,3,4,5,6-hexachlorocyclohexane	(all stereo isomers including	Lindane)
108316	Maleic anhydride		
67561	Methanol		
72435	Methoxychlor		
74839	Methyl bromide (Bromomethane)		
74873	Methyl chloride (Chloromethane)		
71556	Methyl chloroform (1,1,1-	Trichloroethane)	
78933	Methyl ethyl ketone (2-Butanone)		
60344	Methylhydrazine		
74884	Methyl iodide (Iodomethane)		
108101	Methyl isobutyl ketone (Hexone)		
624839	Methyl isocyanate		
80626	Methyl methacrylate		
1634044	Methyl tert-butyl ether		
101144	4,4'-Methylenebis(2-chloroaniline)		
75092	Methylene chloride	(Dichloromethane)	
101688	4,4'-Methylenediphenyl	diisocyanate (MDI)	
101779	4,4'-Methylenedianiline		
91203	Naphthalene		
98953	Nitrobenzene		
92933	4-Nitrobiphenyl		
100027	4-Nitrophenol		
79469	2-Nitropropane		
684935	N-Nitroso-N-methylurea		
62759	N-Nitrosodimethylamine		
59892	N-Nitrosomorpholine		
56382	Parathion		
82688	Pentachloronitrobenzene	(Quintobenzene)	

87865	Pentachlorophenol	
108952	Phenol	
106503	p-Phenylenediamine	
75445	Phosgene	
7803512	Phosphine	
7723140	Phosphorus	
85449	Phthalic anhydride	
1336363	Polychlorinated biphenyls (Aroclors)	
1120714	1,3-Propane sultone	
57578	beta-Propiolactone	
123386	Propionaldehyde	
114261	Propoxur (Baygon)	
78875	Propylene dichloride (1,2- Dichloropropane)	
75569	Propylene oxide	
75558	1,2-Propylenimine (2- Methylaziridine)	
91225	Quinoline	
106514	Quinone	
100425	Styrene	
96093	Styrene oxide	
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	
79345	1,1,2,2-Tetrachloroethane	
127184	Tetrachloroethylene (Perchloroethylene)	
7550450	Titanium tetrachloride	
108883	Toluene	
95807	2,4-Toluenediamine	
584849	2,4-Toluene diisocyanate	
95534	o-Toluidine	
8001352	Toxaphene (chlorinated camphene)	
120821	1,2,4-Trichlorobenzene	
79005	1,1,2-Trichloroethane	
79016	Trichloroethylene	
95954	2,4,5-Trichlorophenol	
88062	2,4,6-Trichlorophenol	
121448	Triethylamine	
1582098	Trifluralin	
540841	2,2,4-Trimethylpentane	
108054	Vinyl acetate	
593602	Vinyl bromide	
75014	Vinyl chloride	
75354	Vinylidene chloride (1,1- Dichloroethylene)	
1330207	Xylenes (mixed isomers)	
95476	o-Xylene	
108383	m-Xylene	
106423	p-Xylene	

Source Categories

- Antimony Compounds
- Arsenic Compounds (inorganic including arsine)
- Beryllium Compounds
- Cadmium Compounds
- Chromium Compounds
- Cobalt Compounds
- Coke Oven Emissions
- Cyanide Compounds¹
- Glycol ethers²
- Lead Compounds
- Manganese Compounds
- Mercury Compounds
- Fine mineral fibers³
- Nickel Compounds
- Polycyclic Organic Matter⁴
- Radionuclides (including radon)⁵
- Selenium Compounds

Note: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

¹ X'CN where X = H' or any other group where a formal dissociation may occur. For example, KCN or Ca(CN)₂.

² Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n-OH. Polymers are excluded from the glycol category.

³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) having a fiber diameter less than 3.5µm and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

⁴ Includes substituted and/or unsubstituted polycyclic aromatic hydrocarbons and aromatic heterocycle compounds, with two or more fused rings, at least one of which is benzenoid (i.e., containing six carbon atoms and is aromatic) in structure. Polycyclic Organic Matter is a mixture of organic compounds containing one or more of these polycyclic aromatic chemicals which include dioxins and furans. Polycyclic Organic Matter is generally formed or emitted during thermal processes including (1) incomplete combustion, (2) pyrolysis, (3) the volatilization, distillation or processing of fossil fuels or bitumens, or (4) the distillation or thermal processing of non-fossil fuels. The Administrator may delineate, by test method, what is included in polycyclic organic matter.

⁵ A type of atom which spontaneously undergoes radioactive decay.

From 9 VAC 5-80-60 C

Regulated Air Pollutant means any of the following:

- a. Nitrogen oxides or any volatile organic compound.
- b. Any pollutant for which an ambient air quality standard has been promulgated.
- c. Any pollutant subject to any standard promulgated under §111 of the federal Clean Air Act.
- d. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the federal Clean Air Act concerning stratospheric ozone protection.
- e. Any pollutant subject to a standard promulgated under or other requirements established under §112 of the federal Clean Air Act concerning hazardous air pollutants and any pollutant regulated under Subpart C of 40 CFR 68.
- f. Any pollutant subject to a regulation adopted pursuant to requirement of the Code of Virginia governing a specific subject or category of sources.

Major Source means:

a. For hazardous air pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

b. For air pollutants other than hazardous air pollutants, any stationary source that directly emits or has the potential to emit 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary source:

1. Coal cleaning plants (with thermal dryers).
2. Kraft pulp mills.
3. Portland cement plants.
4. Primary zinc smelters.
5. Iron and steel mills.
6. Primary aluminum ore reduction plants.
7. Primary copper smelters.
8. Municipal incinerators capable of charging more than 250 tons of refuse per day.
9. Hydrofluoric, sulfuric, or nitric acid plants.
10. Petroleum refineries.
11. Lime plants.
12. Phosphate rock processing plants.
13. Coke oven batteries.
14. Sulfur recovery plants.
15. Carbon black plants (furnace process).
16. Primary lead smelters.
17. Fuel conversion plant.
18. Sintering plants.
19. Secondary metal production plants.
20. Chemical process plants.
21. Fossil-fuel boilers (or combination of them) totaling more than 250 million British thermal units per hour heat input.
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
23. Taconite ore processing plants.
24. Glass fiber processing plants.
25. Charcoal production plants.
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
27. Any other stationary source category regulated under §111 or §112 of the federal Clean Air Act for which the Administrator has made an affirmative determination under §302(j) of the Act.

c. For ozone nonattainment areas, any stationary source with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as A_{marginal}≡ or A_{moderate}≡ 50 tons per year or more in areas classified as A_{serious}≡ 25 tons per year or more in areas classified as A_{severe}≡ and 10 tons per year or more in areas classified as A_{extreme}≡; except that the references in this definition to nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding that requirements under §182(f) of the federal Clean Air Act (Nox requirements for ozone nonattainment areas) do not apply.

d. For attainment areas in ozone transport regions, any stationary source with the potential to emit 50 tons per year or more of volatile organic compounds.

Potential to Emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is state and federally enforceable.

**SUPPLEMENTAL DATA SHEET (OPTIONAL, CONTACT REGIONAL DEQ OFFICE)
(PROVIDE INFORMATION ON THROUGHPUT/CONSUMPTION AND EMISSIONS OF REGULATED AIR POLLUTANTS)**

COMPANY NAME	DATE	REGISTRATION NUMBER
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Unit Ref. No.	Annual Process Throughput/Fuel Consumption, etc. (specify units)		Regulated Air Pollutant Emitted/Controlled		Actual Annual Emissions (tons per year)		Potential Annual Emissions (tons per year)		Air Pollution Control Equipment	
	Annual Period 19____	Annual Period 19____	Pollutant Name	Pollutant CAS# (if applicable)	Annual Period 19____	Annual Period 19____	Annual Period 19____	Annual Period 19____	Type (use Code)	Actual Control Efficiency

AIR POLLUTION CONTROL EQUIPMENT CODES

1. Settling Chamber
2. Cyclone
3. Multicyclone
4. Cyclone scrubber
5. Orifice scrubber
6. Mechanical scrubber
7. Venturi scrubber
 - (a) fixed throat
 - (b) variable throat
8. Mist eliminator

9. Electrostatic Precipitator
 - (a) hot side
 - (b) cold side
 - (c) high voltage
 - (d) low voltage
 - (e) single stage
 - (f) two stage
 - (g) other (specify)
10. Filter
 - (a) baghouse
 - (b) other (specify)

13. ABSORBER
 - (a) packed tower
 - (b) spray tower
 - (c) tray tower
 - (d) venturi
 - (e) other (specify)
14. ADSORBER
 - (a) activated carbon
 - (b) molecular sieve
 - (c) activated alumina
 - (d) silica gel

11. Catalytic Afterburner
12. Direct Flame Afterburner

(e) other (specify)
15. Condenser (specify)
99. Other (specify)

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
9 VAC 5 CHAPTER 500.
EXCLUSIONARY GENERAL PERMIT

PART I.
DEFINITIONS.

9 VAC 5-500-10. General.
9 VAC 5-500-20. Terms defined.

9 VAC 5-500-10. General.

A. For the purpose of this chapter or any orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 5-500-20.

B. Unless specifically defined in the Virginia Air Pollution Control Law or in this chapter, terms used shall have the meaning given them by 9 VAC 5-80-60 (definitions, federal operating permit), 9 VAC 5-10-20 (general definitions, Regulations for the Control and Abatement of Air Pollution), or commonly ascribed to them by recognized authorities, in that order of priority.

9 VAC 5-500-20. Terms defined.

"Actual emissions" means the actual emissions of a pollutant from a stationary source or emissions unit reflecting the rate, in tons per year, at which the source or unit actually emitted the pollutant during the most recent annual period. Actual emissions shall be calculated using the source or unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the annual period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be any or all of the following as may be determined by the department: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound content reports or laboratory analyses; other information required by this chapter and other regulations of the board; or information requested in writing by the department. All calculations of actual emissions shall use U.S. Environmental Protection Agency or department approved methods, including emission factors and assumptions.

"Annual period" means a period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

"Federal operating permit" means a permit issued pursuant to Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80.

"General permit" means the terms and conditions in Part IV (9 VAC 5-500-150 et seq.) of this chapter that meet the requirements of Part III (9 VAC 5-500-90 et seq.) of this chapter.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or emissions units or

expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110(a)(2)(C), 165 (relating to permits in prevention of significant deterioration areas) and 173 (relating to permits in nonattainment areas) of the federal Clean Air Act.

"Nonattainment pollutant" means volatile organic compounds or nitrogen oxides (NO_x).

"Regulation of the board" means any regulation adopted by the State Air Pollution Control Board under any provision of the Code of Virginia.

"Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.) through Chapter 80 (9 VAC 5-80-10 et seq.).

"State operating permit" a permit issued pursuant to 9 VAC 5-80-40.

PART II. GENERAL PROVISIONS.

9 VAC 5-500-30.	Purpose.
9 VAC 5-500-40.	Applicability.
9 VAC 5-500-50.	General.
9 VAC 5-500-60.	Existence of permit no defense.
9 VAC 5-500-70.	Circumvention.
9 VAC 5-500-80.	Enforcement of a general permit.

9 VAC 5-500-30. Purpose.

A. The purpose of the exclusionary general permit is to provide a legally enforceable mechanism for major sources subject to the federal operating permit program (Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80) to be excluded from the program provided they maintain their actual annual emissions at a specified level that is less than the potential to emit applicability thresholds for the federal operating permit program. This is one of two alternative permit mechanisms the State Air Pollution Control Board has to accomplish this purpose; the other is a state operating permit program (9 VAC 5-80-40).

B. This chapter does not require any owner to apply for coverage under the general permit but provides the opportunity for an owner to apply for coverage if the stationary source meets the criteria in 9 VAC 5-500-90 A and all other requirements of this chapter.

9 VAC 5-500-40. Applicability.

- A. Except as provided in subsection E of this section, this chapter applies to any major source.
- B. This chapter applies throughout the Commonwealth of Virginia.
- C. This chapter applies only to regulated air pollutants.

D. This chapter shall not apply to the following stationary sources:

1. Any stationary source that has applied for a federal operating permit in a timely manner and in conformance with Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80 and is awaiting final action by the board.

2. Any stationary source required to obtain a federal operating permit under Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80 for any reason other than being a major source. This includes, but is not limited to, the following: any source, including an area source, subject to any standard or other requirement adopted pursuant to § 111 or § 112 of the federal Clean Air Act.

3. Any stationary source which has a valid federal operating permit.

4. Any stationary source which has a valid state operating permit with federally enforceable conditions or other federally enforceable limits limiting its potential to emit below the applicable thresholds for a major source.

E. Notwithstanding subsections D 1 and D 3 of this section, nothing in this section shall prevent any stationary source which has had a federal operating permit from obtaining an authorization to operate under the general permit in lieu of maintaining an application for a federal operating permit or upon rescission of a federal operating permit if the owner demonstrates that the stationary source meets the criteria in 9 VAC 5-500-90 A for two annual periods (24 consecutive months).

F. Notwithstanding subsection D 4 of this section, nothing in this section shall prevent any stationary source which has had a state operating permit from obtaining an authorization to operate under the general permit in lieu of maintaining an application for a state operating permit or upon rescission of a state operating permit if the owner demonstrates that the stationary source meets the criteria in 9 VAC 5-500-90 A for two annual periods (24 consecutive months).

9 VAC 5-500-50. General.

A. Any owner or other person shall operate the stationary source in conformance with all applicable regulations of the board.

B. Sources desiring authority to operate under the general permit shall register with the department as required under 9 VAC 5-20-160 and certify that they will operate in compliance with the provisions of this chapter. All emissions units or groups of emissions units, other than those units identified in 9 VAC 5-80-720, shall be registered.

C. Sources authorized to operate under the general permit shall be exempt from the requirements of 9 VAC 5-80-40 and Articles 1 (9 VAC 5-80-50 et seq.), 2 (9 VAC 5-80-310 et seq.) and 3 (9 VAC 5-80-360 et seq.) of 9 VAC 5 Chapter 80.

D. No provision of this chapter shall limit the power of the board to issue an operating permit pursuant to 9 VAC 5-80-40.

E. This chapter shall not relieve any stationary source from complying with requirements of (i) any otherwise applicable permit issued pursuant to the new source review program, (ii) any condition or term of any new source review program permit, or (iii) any provision of a new source review permit program. This chapter shall not preclude issuance of any new source review permit with conditions or terms necessary to ensure compliance with this chapter.

F. This chapter shall not relieve any stationary source from complying with any applicable requirement.

G. In cases where the provisions of Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80 conflict with those of this section, the provisions of Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80 shall prevail.

H. By the adoption of this chapter, the board confers upon the department the administrative, enforcement and decision making authority enumerated therein.

I. Except as provided in subsection J of this section, any decisions of the board or department made pursuant to this chapter may be appealed pursuant to 9 VAC 5-20-90 or 9 VAC 5-20-130 B 2.

J. The act of granting or denying an application for authority to operate under the general permit shall not be subject to judicial review.

9 VAC 5-500-60. Existence of permit no defense.

The existence of a permit under this chapter shall not constitute a defense of a violation of the Virginia Air Pollution Control Law or the regulations of the board and shall not relieve any owner of the responsibility to comply with any applicable requirements, regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

9 VAC 5-500-70. Circumvention.

A. No owner or other person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air pollutants emitted, conceals or dilutes an emission of air pollutants which would otherwise violate this chapter. Such concealment includes, but is not limited to, either of the following:

1. The use of gaseous diluents to achieve compliance with a visible emissions standard or with a standard which is based on the concentration of a pollutant in gases discharged to the atmosphere.

2. The piecemeal carrying-out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.

B. This section does not prohibit the construction of a stack.

C. Regardless of the exemptions provided in this chapter, permits shall be required of owners who circumvent the requirements of this chapter by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

9 VAC 5-500-80. Enforcement of a general permit.

A. The following general requirements apply:

1. Pursuant to § 10.1-1322 of the Virginia Air Pollution Control Law, failure to comply with any term or condition of the general permit shall be considered a violation of the Virginia Air Pollution Control Law.

2. Authorization to operate under the general permit may be revoked or terminated if the owner does any of the following:

a. Knowingly makes material misstatements in the application for coverage or any amendments thereto.

b. Violates, fails, neglects or refuses to comply with (i) the terms or conditions of the permit, (ii) any applicable requirements, or (iii) the applicable provisions of this chapter.

3. The department may suspend, under such conditions and for such period of time as the department may prescribe, any authorization to operate under the general permit for any of the grounds for revocation or termination contained in subdivision 2 of this subsection or for any other violations of the regulations of the board.

B. The following requirements apply with respect to penalties:

1. An owner who violates, fails, neglects or refuses to obey any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1316 of the Virginia Air Pollution Control Law.

2. Any owner who knowingly violates, fails, neglects or refuses to obey any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

3. Any owner who knowingly makes any false statement, representation or certification in any form, in any notice or report required by a permit, or who knowingly renders inaccurate any required monitoring device or method shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

C. The following requirements apply with respect to appeals:

1. The department shall notify the applicant in writing of its decision, with its reasons, to suspend, revoke or terminate the authorization to operate under the general permit in accordance with the Administrative Process Act.

2. Appeal from any decision of the department under subdivision 1 of this subsection may be taken pursuant to 9 VAC 5-20-90, § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act.

D. The following requirements apply with respect to inspections and right of entry:

1. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law and 9 VAC 5-20-150, has the authority to require that air pollution records and reports be made available upon request and to require owners to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of the general permit.

2. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law, has the authority, upon presenting appropriate credentials to the owner, to do the following:

a. Enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment in the Commonwealth; and

b. Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the department or its representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the department shall have the power to seek from a court having equity jurisdiction an order compelling such entry or inspection.

E. The board may enforce the general permit through the use of other enforcement mechanisms such as consent orders and special orders. The procedures for using these mechanisms are contained in 9 VAC 5-20-20 and 9 VAC 5-20-30 and in §§ 10.1-1307 D, 10.1-1309, and 10.1-1309.1 of the Virginia Air Pollution Control Law.

PART III. GENERAL PERMIT ADMINISTRATIVE PROCEDURES.

9 VAC 5-500-90.	Requirements for department issuance of authority to operate under the general permit.
9 VAC 5-500-100.	Applications for coverage under the general permit.
9 VAC 5-500-110.	Required application information.
9 VAC 5-500-120.	General permit content.
9 VAC 5-500-130.	Issuance of an authorization to operate under the general permit.
9 VAC 5-500-140.	Transfer of authorizations to operate under the general permit.

9 VAC 5-500-90. Requirements for department issuance of authority to operate under the general permit.

A. The department may issue an authorization to operate under the general permit for a stationary source that does not exceed any of the following levels of actual emissions in the two annual periods (24 consecutive months) preceding submittal of an application under 9 VAC 5-500-100:

- pollutants).
1. 50 tons per year of any regulated air pollutant (excluding nonattainment pollutants in serious nonattainment areas and hazardous air pollutants).
 2. 25 tons per year of volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area.
 3. 5 tons per year of a single hazardous air pollutant.
 4. 12.5 tons per year of any combination of hazardous air pollutants.

B. Stationary sources or emissions units subject to the general permit shall comply with all requirements applicable to other permits issued under 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.).

C. The general permit shall be issued in accordance with § 9-6.14:4.1 C 11 of the Administrative Process Act.

9 VAC 5-500-100. Applications for coverage under the general permit.

A. Stationary sources that qualify for the general permit may apply to the department for coverage under the terms and conditions of the general permit. Stationary sources that do not qualify for the general permit shall apply for a permit issued under the provisions of 9 VAC 5-80-40 or Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80.

B. A single application is required identifying each emissions unit or groups of emissions units to be covered by the general permit. The application shall be submitted according to the requirements of this section, 9 VAC 5-500-110 and procedures approved by the department. Where several emissions units are included in one stationary source, a single application covering all units in the source shall be submitted. A separate application is required for each stationary source subject to this chapter.

C. The application shall meet the requirements of this chapter and include all information necessary to determine qualification for and to assure compliance with the general permit.

D. Any application form, report, compliance certification, or other document required to be submitted to the department under this chapter shall be signed by a responsible official and shall include the following certification signed by the responsible official:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

E. Subsection D of this section shall be interpreted to mean that the signer must have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.

F. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in an application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

9 VAC 5-500-110. Required application information.

A. The department shall furnish application forms to applicants. The information required by this section shall be determined and presented according to procedures and methods acceptable to the department.

B. Each application for coverage under the general permit shall include, but not be limited to, the information listed in subsections C through G of this section.

C. Identifying information as follows shall be included:

1. Company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact or both.
2. A description of the source's processes and products (by Standard Industrial Classification Code).
3. Identification of each emissions unit or group of emission units at the stationary source for which the application is submitted.

D. Emissions-related information as follows shall be included:

1. All emissions of regulated air pollutants for which the stationary source qualifies as a major source.
 - a. An application shall describe all emissions units or groups of emissions units. This requirement shall not apply to emissions units listed in 9 VAC 5-80-720.
 - b. Emissions shall be determined as provided in the application form or other instructions from the department.
 - c. Fugitive emissions shall be included in the application to the extent that the emissions are necessary to determine if the stationary source qualifies as a major source.
2. Calculations on which the information in subdivision 1 of this subsection is based. Any calculations shall include sufficient detail to permit assessment of the validity of the calculations and to enable the department to verify the actual emissions and potential to emit for the stationary source. This may include, but not be limited to, the following:
 - a. Actual and potential emissions in tons per annual period for each emissions unit or group of emission units.
 - b. Information needed to determine emissions as follows: fuels, fuel use, raw materials, production rates, loading rates, and operating schedules.
 - c. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

E. Additional information that the department deems necessary to implement and enforce other requirements of the regulations of the board or to determine the applicability of such requirements.

F. Any additional information or documentation that the department deems necessary to review and analyze the air pollution aspects of the source.

G. Compliance certification information as follows shall be included: a certification of compliance with all applicable requirements by a responsible official.

9 VAC 5-500-120. General permit content.

A. The general permit issued under this chapter shall include the elements listed in subsections B through H of this section.

B. The general permit shall contain terms and conditions setting forth the applicable emissions levels and requirements sufficient to assure compliance with the criteria in 9 VAC 5-500-90 A and the regulations of the board.

C. The general permit shall contain terms and conditions setting forth the following requirements with respect to emission testing sufficient to assure compliance with the emissions levels and requirements of the permit:

1. Requirements providing that owners of stationary sources subject to the general permit may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the stationary source.

2. For cases where the owner elects to use the emission testing to determine the actual emissions for the stationary source, the permit shall prescribe the procedures for the conduct of the emission tests.

D. The general permit shall contain terms and conditions setting forth the following requirements with respect to emission monitoring sufficient to assure compliance with the emissions levels and requirements of the permit:

1. Requirements providing that owners of stationary sources subject to the general permit may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the stationary source.

2. For cases where the owner elects to use the emission monitoring to determine the actual emissions for the stationary source, the permit shall prescribe the procedures for the installation, calibration, operation and maintenance of equipment for continuously monitoring and recording emissions or process parameters or both.

E. The general permit shall contain terms and conditions setting forth the following requirements concerning recordkeeping and reporting sufficient to assure compliance with the emissions levels and requirements of the permit:

1. Requirements providing that owners of stationary sources subject to the general permit shall establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the general permit may prescribe.

2. The permit shall prescribe the procedures for providing notifications and reports, revising reports, maintaining records or reporting emission test or monitoring result.

3. The recordkeeping and reporting provisions in this subsection shall not apply to stationary sources with actual emissions less than or equal to all of the following for every annual period:

a. 20 tons per year of a regulated air pollutant (excluding nonattainment pollutants in a serious nonattainment area and hazardous air pollutants).

- b. 10 tons per year of volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area.
- c. 2 tons per year of a single hazardous air pollutant.
- d. 5 tons per year of any combination of hazardous air pollutants.

4. Within 30 days of a written request by the department, the owner of a stationary source not maintaining records pursuant to subdivision 3 of this subsection shall demonstrate that the stationary source's emissions are not in excess of the applicable quantities set forth in subdivision 3 of this subsection.

F. The general permit shall contain terms and conditions with respect to enforcement sufficient to assure compliance with the emissions levels and requirements of the permit.

G. The general permit shall contain terms and conditions setting forth the following requirements with respect to compliance sufficient to assure compliance with the terms and conditions of the permit:

1. Requirements providing for compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

2. Requirements providing for inspection and entry sufficient to assure compliance with the terms and conditions of the permit. At a minimum the permit shall require that, upon presentation of credentials and other documents as may be required by law, the owner shall allow the department to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

H. The permit shall contain terms and conditions pertaining to other requirements as may be necessary to ensure compliance with the regulations of the board, the Virginia Air Pollution Control Law and the federal Clean Air Act.

9 VAC 5-500-130. Issuance of an authorization to operate under the general permit.

A. The department shall grant authorization to operate under the conditions and terms of the general permit to stationary sources that meet the criteria set forth in 9 VAC 5-500-90 A.

B. The issuance of an authorization to operate under the general permit to a stationary source covered by the general permit shall not require compliance with the public participation procedures under § 9-6.14:4.1 C 11 of the Administrative Process Act.

C. A response to each application for coverage under the general permit shall be provided. The general permit may specify a reasonable time period after which a stationary source that has submitted an application shall be deemed to be authorized to operate under the general permit.

D. Stationary sources covered under a general permit shall be issued a letter, a certificate, or any other document which would attest that the stationary source is authorized to operate under the general permit. The document shall be accompanied by a copy of the general permit and the application submitted by the permittee.

E. The letter, certificate or other document, along with the copy of the general permit and application, shall be retained by the department and at the stationary source.

9 VAC 5-500-140. Transfer of authorizations to operate under the general permit.

A. No person shall transfer an authorization to operate under the general permit from one stationary source to another or from one piece of equipment to another.

B. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any permit issued to the previous owner. The new owner shall notify the department of the change in ownership within 30 days of the transfer.

C. In the case of a name change of a stationary source, the owner shall comply with any permit issued under the previous source name. The owner shall notify the department of the change in source name within 30 days of the name change.

PART IV. GENERAL PERMIT TERMS AND CONDITIONS.

9 VAC 5-500-150.	Emissions levels and requirements.
9 VAC 5-500-160.	Emissions levels.
9 VAC 5-500-170.	Compliance determination and verification by emission testing.
9 VAC 5-500-180.	Compliance determination and verification by emission monitoring.
9 VAC 5-500-190.	Recordkeeping requirements.
9 VAC 5-500-200.	Reporting requirements.
9 VAC 5-500-210.	Compliance certifications.
9 VAC 5-500-220.	Consequences of failure to remain below emissions levels.
9 VAC 5-500-230.	Enforcement.

9 VAC 5-500-240. Review and Evaluation of Regulation.

9 VAC 5-500-150. Emissions levels and requirements.

A. Sources operating under this permit shall meet the emissions levels in 9 VAC 5-500-160 in order to continue to operate under the authority of this permit.

B. Sources operating under this permit shall operate in compliance with the standards set in 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) and 60 (9 VAC 5-60-10 et seq.) and other applicable requirements and provisions of the regulations of the board.

C. The permittee shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the emissions levels specified in 9 VAC 5-500-160.

9 VAC 5-500-160. Emissions levels.

In order to operate under the authority of this permit, a stationary source shall not exceed any of the following levels of actual emissions in any annual period:

1. 50 tons per year of any regulated air pollutant (excluding nonattainment pollutants in serious nonattainment areas and hazardous air pollutants).
2. 25 tons per year of volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area.
3. 5 tons per year of a single hazardous air pollutant.
4. 12.5 tons per year of any combination of hazardous air pollutants.

9 VAC 5-500-170. Compliance determination and verification by emission testing.

A. The permittee may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the stationary source.

B. Upon request of the department, the permittee shall conduct emission tests as are necessary to determine the type or amount or both of the pollutants emitted from the source or whether the source will be in compliance with 9 VAC 5-500-160 or any other provisions of any regulation of the board.

C. The emission testing conducted under this section shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) and 60 (9 VAC 5-60-10 et seq.), as applicable, or by other means acceptable to the department.

9 VAC 5-500-180. Compliance determination and verification by emission monitoring.

A. The permittee may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or

both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the stationary source.

B. Upon request of the department, the permittee shall install, calibrate, maintain and operate equipment for continuously monitoring and recording emissions or process parameters or both as are necessary to determine the type or amount or both of the pollutants emitted from the source or whether the source will be in compliance with 9 VAC 5-500-160 or any other provisions of any regulation of the board.

C. The emission monitoring conducted under this section shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) and 60 (9 VAC 5-60-10 et seq.), as applicable, or by other means acceptable to the department.

D. Where the applicable requirement cited in subsection C of this section does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the general permit, as reported pursuant to 9 VAC 5-500-190 C 1. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this subsection.

9 VAC 5-500-190. Recordkeeping requirements.

A. The permittee, unless exempted under 9 VAC 5-500-120 E 3, shall comply with the recordkeeping requirements in this section. The recordkeeping requirements of this permit shall not replace any recordkeeping requirement contained in other state or federal rules or regulations.

B. The permittee shall keep and maintain records for each emission unit or groups of emission units sufficient to determine the actual emissions of the stationary source. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to the department upon request. Any records, notifications, reports, or tests providing the basis for the summary shall be retained by the permittee for at least five years following the date of such records, notifications, reports or tests.

C. To meet the requirements of 9 VAC 5-500-180 with respect to recordkeeping, the permittee shall comply with the following:

1. Records of monitoring information shall include the following:

- a. The date, place as defined in the permit, and time of sampling or measurements.
- b. The date(s) analyses were performed.
- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

D. The recordkeeping requirements under this section shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 (9 VAC 5-40-10 et seq.), 50 (9 VAC 5-50-10 et seq.) and 60 (9 VAC 5-60-10 et seq.), as applicable, or by other means acceptable to the department.

9 VAC 5-500-200. Reporting requirements.

A. The permittee, unless exempted under 9 VAC 5-500-120 E 3, shall comply with the reporting requirements in this section. Any document (including reports) required by a permit term or condition to be submitted to the department shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-500-100 D.

B. The permittee shall submit, according to procedures established by the department, an annual emissions update. Any additional information requested by the department under this subsection shall be submitted to the department within 30 days of the date of request.

C. To meet the requirements of 9 VAC 5-500-180 with respect to reporting, the permittee shall submit reports of any required monitoring at least every six months. All instances of deviations from permit requirements must be clearly identified in such reports.

D. If a stationary source or emissions unit is shut down, the permittee shall notify the board within six months of the date the stationary source or emissions unit is shut down.

9 VAC 5-500-210. Compliance certifications.

A. The department shall evaluate a stationary source's compliance with the emissions levels in 9 VAC 5-500-160 as part of the department's annual compliance process. In performing the evaluation, the department shall consider any annual emission update submitted pursuant to 9 VAC 5-500-200.

B. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the department to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

C. The permittee shall submit, along with the annual emissions update, to the department an annual compliance certification containing the following:

1. The identification of each term or condition of the permit that is the basis of the certification.
2. The compliance status.
3. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
4. The method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
5. Such other information as the department may require to determine the compliance status of the source.

9 VAC 5-500-220. Consequences of failure to remain below emissions levels.

A. A stationary source subject to the general permit shall be subject to applicable federal requirements for a major source, including 9 VAC 5-80-40 (state operating permit) and Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-50-360 et seq.) of Part II of 9 VAC 5 Chapter 80 (federal operating permit), when either of the following conditions occur:

1. Commencing on the first day following any annual period in which the stationary source exceeds an emissions levels specified in 9 VAC 5-500-160.
2. Commencing on the first day following any annual period in which the owner can not demonstrate that the stationary source is in compliance with the emissions levels specified in 9 VAC 5-500-160.

B. Any stationary source who becomes subject to federal applicable requirements for a major source as provided in subsection A of this section may continue to operate under the authority of the permit until a state operating permit or federal operating permit is issued provided the following conditions are met:

1. At least 30 days prior to the end of any annual period during which the actual emissions of the stationary source is expected to exceed the emissions levels in 9 VAC 5-500-160, the owner has notified the department that he will submit an application for a federal operating permit or state operating permit, and
2. A complete federal operating permit application is received by the department, or the permit action to obtain a state operating permit is completed, within 12 months of the date of notification.

9 VAC 5-500-230. Enforcement.

A. Violation of this permit is subject to the enforcement provisions including, but not limited to, those contained in 9 VAC 5 Chapter 20 (9 VAC 5-20-10 et seq.) and §§ 10.1-1309, 10.1-1311 and 10.1-1316 of the Virginia Air Pollution Control Law.

B. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

C. The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Virginia Air Pollution Control Law and is grounds (i) for enforcement action or (ii) for termination, revocation and reissuance, or modification of the authorization to operate under the general permit.

D. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. The authorization to operate under the general permit may be revoked and reissued or terminated for cause as specified in 9 VAC 5-500-80. The filing of a request by the permittee for authorization revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

F. The owner of the stationary source shall be subject to enforcement action under 9 VAC 5-500-80 for operation without a permit if the stationary source is later determined by the department not to qualify for the conditions and terms of the general permit.

G. The general permit does not convey any property rights of any sort, or any exclusive privilege.

H. The permittee shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the authorization to operate under the general permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the department along with a claim of confidentiality.

9 VAC 5-500-240. Review and Evaluation of Regulation.

A. Prior to July 1, 2000, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities.

B. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

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**PROCEDURES FOR EXCLUSIONARY GENERAL PERMIT
FOR MAJOR SOURCES OF AIR POLLUTANTS**
GP500PRO.FNL

Background

The agency's first Air General Permit is found in 9 VAC 5 Chapter 500. It is referred to as an Exclusionary General Permit for major sources of air pollutants (hereinafter referred to as the Rule). The Rule was approved by the State Air Pollution Control Board at their meeting in April 1997 and became effective on July 1, 1997. The purpose of the Rule is to exclude from Title V permit requirements, sources whose actual emissions do not exceed 50% of any major source threshold.

These procedures include the following documents:

Form GP-1	Letter transmitting application form to affected sources
Form GP-2	General Permit Application Review Checklist
Form GP-3	Authorization letter which notifies affected sources of coverage under General Permit
Form GP-4	Application review/deficiency letter (30 day letter)
Form GP-5	Ineligibility letter

At each regional office's discretion, a copy of the source's most recent emission inventory data can be included with the initial transmittal letter, Form GP-1.

Applications and Applicability

An application form, Form 500, has been developed for use by applicants when seeking coverage under the General Permit. The Form should be filled-out by all applicants. In addition to the information required on the Form, there are optional and supplemental sections of the Form for the applicant's use. Applicants can submit any other supporting documentation that assists them in demonstrating they qualify for coverage under the General Permit. Specifically, the Form indicates that sources, at their option, can submit the emission unit manufacturer's name or construction date, flow diagrams, process schematics, narrative descriptions, and MSDS's. Also, optional supplementary information can be provided on the Supplementary Data Sheet. DEQ permit review staff may request other information, if the information provided is not sufficient or needs clarification. Registration of emission units not currently registered and/or NSR permitting for units which should have been permitted should be handled as separate permit applications using Form 7.

Sources qualifying for coverage under the General Permit are those that meet all applicable requirements of the Rule. In general, these are sources which are major sources of air pollutants and who qualify for the General Permit, as outlined in 9 VAC 5-500-40, Applicability, and 9 VAC 5-500-90, Administrative Procedures.

Sources initially targeted for the General Permit are those that are participating in EPA's Potential-to-Emit Transition Policy. The participating

sources may seek coverage under the General Permit prior to the July 31, 1998 expiration of the Policy, upon expiration of the Policy, or thereafter. If a major source has not been authorized to operate under the General Permit or has no enforceable limitations on their potential to emit, they may need to apply for either a State Operating or Title V operating permit.

All applications MUST have the Compliance Certification Form and Document Certification Form properly completed and signed by a responsible corporate official.

There are no registration, permit, or emission fees yet associated with the General Permit issued pursuant to these procedures.

Review of the Application

The following procedure is established for permit reviewers to reference when reviewing applications:

1. Regional staff will enter new permit applications into PATS. Applications should be entered into the system using the Permit Class ΔX_{\equiv} which has been established for the Exclusionary General Permit. Updates to the tracking information will be made by regional personnel as changes in status occur.

Form GP-4 should be sent to the source within thirty days of DEQ=s receipt of their application. The form-letter can serve a dual purpose of notifying the source of our receipt of their application and can be used to request additional information. Depending on individual circumstances and needs, portions of the letter can be modified or omitted. The authorization letter, Form GP-3, which transmits a copy of the General Permit may alternatively be sent within this time period if the application is complete and the facility qualifies for coverage under the General Permit.

2. Permit review staff will evaluate the application to determine if there is sufficient information provided to authorize the source to operate under the General Permit. The information required to determine application sufficiency includes, but may not be strictly limited to the information contained on the application Form, as listed below:
 - a. Properly completed Document Certification Form and Compliance Certification Form, including all requested company information, process descriptions by SIC code, contact name and telephone, etc. Note that the regulations does not require the source to make a rigorous demonstration of compliance before the General Permit can be issued. The certification does require the source to comply with all applicable requirements of the General Permit.
 - b. Listing of each emission unit or group of emission units at the facility. At the source=s option, the unit manufacturer=s name and construction date may be provided, along with flow diagrams, process schematics, process narratives and MSDS=s. A Unit Reference Number should be assigned by the applicant to each emission unit or group of emission units. The application should indicate, by Unit Reference Number, both the maximum actual feed input and maximum actual feed output.
 - c. Emissions information on all air pollutants for which the source is considered major. A listing of each criteria and hazardous (CAS# is needed for HAP=s) pollutant emitted by Unit Reference Number may be provided, along with the basis used for the emission rate estimates. Note that the source is not required to provide emissions data on all emission units at the facility, only those which emit pollutants for which the source is major.

- d. Although the application does not specifically request potential and actual emission information for the most recent two annual periods (24 consecutive months), that information should be obtained from the source to determine if they qualify for the General Permit. Estimates of potential emissions are only required to the extent they are necessary to determine if the source is considered a major source.
- e. The Supplemental Data Sheet attached to Form 500 may be used to provide this information. Permit review staff can request, at their option, example calculations, Material Safety Data Sheets (MSDS), product specification sheets, basis for each emission factor used, material balance information, etc. As needed, permit review staff may request information on air pollution control equipment for each emission unit or group of units, along with a designation of the actual control efficiency for each pollutant controlled.

Note: It is mandatory that the source supply, for the most recent two annual periods (24 consecutive months) of operation, actual emission/throughput/consumption data for all pollutants for which the source is considered major. DEQ permit review staff may request information necessary to determine sufficiency of a source=s application. The authorization letter may be withheld until such time that there is sufficient information available to make this determination. Form GP-4 can be used to request additional information.

Processing the Application

Generally, DEQ permit review staff will process the applications for General Permits on a first come, first served basis. Individual unit managers may, at their discretion, reassign or reschedule these applications to their staff.

General Permit applications should typically be processed within 30 days of receipt. The date that enough information was received to make a sufficiency determination, that the source qualifies for coverage under the General Permit, will be, in effect, the deemed complete date.

An authorization letter should be prepared for each qualifying source. The purpose of the authorization letter is to communicate to the applicant that their application has been reviewed and, according to our determination, they qualify for coverage under the General Permit and must continue to meet all conditions of the General Permit in order to maintain their coverage. An authorization form-letter is designated as Form GP-3. The letter should present the information included therein, but may contain additional information that individual regions deem appropriate.

The General Permit Checklist, Form GP-2, which is attached to these procedures, should be completed by the permit review staff for each application evaluated. The checklist guides the reviewer in the steps for determining sufficiency and in completing the necessary administrative work for this General Permit action.

Guidelines for Review of Emissions Data

Under the provisions of the Rule, the only requirement for the permit review staff is to review the actual emissions data submitted by the source and verify that the actual emissions do not exceed the 50% threshold levels. The permit review staff is not required to independently calculate the potential and actual emissions unless the source requests assistance in performing these calculations.

In reviewing the emissions data, emphasis should be placed on verifying the source=s calculations, formulas and emission factors. Emission factors and control equipment efficiency protocols from minor source permit boilerplate procedures can be referenced. AP-42 and other emission factor data may be used to estimate emission quantities, in the absence of actual stack test data or material balance data.

The permit reviewer should evaluate each emission unit or group of units listed on the application and determine first if the source has the potential to

emit regulated pollutants at major source levels. (In many cases, this exercise may have already been completed by permit review staff.) Actual emissions data is required only for emissions units which emit pollutants for which the source is considered major.

Actual emission estimates should be based on the annual production throughput or consumption for each affected emission unit or group of units for the last two annual periods. Potential emissions should be calculated using the emission unit or group of units= rated capacity information. Sum annual emissions for each pollutant for all emission units or group of units and compare these to the applicant=s figures. Confirm that the source qualifies for the General Permit by comparing facility totals of actual annual emissions of each pollutant to the thresholds in the Rule (9 VAC 5-500-90 A. 1-4).

Note: Some regional offices may have current information on each source=s actual and potential emissions over the most recent two annual periods. This information may be utilized, if appropriate, instead of requiring the source to provide data.

Issuing the Authorization Letter

Upon completion of the regional permit staff=s review of the application, the authorization letter, Form GP-3, should be prepared and signed by the Regional Air Permit Manager. The Office of Permit Assistance and Technical Support (OPATS) should be notified of issuance of the authorization letter electronically, with a copy of the letter transmitted with the notification. Additionally, regional air Compliance and Monitoring staff should be notified of the applicability of the General Permit to the source, upon issuance of the authorization letter. A complete copy of the General Permit regulation (9 VAC 5 Chapter 500) and completed Form 500 should be attached to the authorization letter before mailing to the source.

AIRS Coding

Regional AIRS coding personnel should continue to classify all sources covered by the General Permit as >A= sources. A new action code denoting the issuance of the General Permit, AEG=, will be requested of EPA to indicate the status of these sources relative to Title V permitting.

Compliance Issues

1. If, during application review, sources are discovered to be ineligible for this General Permit and actually subject to either State Operating or Title V permitting, regional permit review staff should immediately notify them in writing using Form GP-5. Amend, modify, or delete sections of the letter as appropriate for each individual situation. A schedule for submittal of a State Operating or Title V permit application can be determined by the regional staff.
2. If a source that has applied for the General Permit is determined to be ineligible for the permit for a reason other than that listed in item 1 above, Form GP-5 should be sent, with the appropriate sections of the letter amended, modified or omitted.
3. If, during application review, it is discovered that the source has installed and operated equipment subject to the permitting requirements of 9 VAC 5-80-10, NSR Permitting, without having obtained such a permit, a Form 7 permit application should be requested. Where a NSR permit is needed, appropriate enforcement action may need to be taken by regional Compliance and Monitoring staff. In these cases, the General Permit could be issued once an enforcement action is completed or signed rather than waiting for the issuance of the NSR permit.

Note: The General Permit covers the entire source not just specific emission units. The terms of any NSR permits must be complied with as well as the terms of the General Permit. The applicability of the General Permit to a source does not eliminate the need of the source to obtain NSR permits. Any NSR permits written after, or concurrent with, the General Permit will contain conditions and terms necessary to comply with the General Permit including the provisions to comply with any emission standards in Chapters 40, 50 and 60 of the

Regulations. Permit reviewers are also reminded that previous exemptions and applicability determinations are not open to reevaluation during this process.

Form GP-1

December 21, 2005

(Mr., Mrs., Ms.) (First name) (Initial) (Last name)
(Company name)
(Company mailing street or PO Box)
(City) (State) (Zip)

[CERTIFIED MAIL]
[RETURN RECEIPT REQUESTED]

Location: (Facility location)
Registration Number: (Reg. No.)
County-Plant Nos: (xxxx)-(xxxx)

Re: Exclusionary General Permit

Dear (Mr., Mrs., Ms.) (Last name):

The Department of Environmental Quality (DEQ) would like to announce the availability of the Exclusionary General Permit (9 VAC 5 Chapter 500), which became effective July 1, 1997. [Included is an application form, a copy of the Exclusionary General Permit Regulation and the current emission inventory of the emission units you currently have registered with DEQ.]

This General Permit provides a legally enforceable mechanism for major sources, which would otherwise be subject to the federal operating permit program (Title V), to be excluded from the Title V program provided actual emissions from applicable facilities are maintained at specified levels below the major source applicability thresholds. This new permit program is Virginia's alternative to EPA's Potential-to-Emit Transition Policy which will end on July 31, 1998.

[DEQ records indicate that your facility is currently operating under the Transition Policy; therefore it is very important that you complete an application and receive authorization to operate under the Exclusionary General Permit before the Transition Policy expires on July 31, 1998.] If your facility [wishes to discontinue operating under the Transition Policy or] fails to qualify for the Exclusionary General Permit, you may also limit your potential to emit, to below major source applicability thresholds, through the State Operating Permit program (9 VAC 5-80-40 et seq.).

[For the purposes of Title V applicability, major sources are defined as those having the potential to emit 100 tons per year or more of any regulated pollutants. There are two exceptions:

1. Sources in the Northern Virginia serious nonattainment area which have the potential to emit 50 tons per year of volatile organic compounds (VOCs) or nitrogen oxides (NOx).
2. Sources of hazardous air pollutants (HAPs), statewide, which have the potential to emit 10 tons per year of a single HAP or 25 tons per year of two or more HAPs.]

Major stationary sources which intend to seek coverage under the Exclusionary General Permit must be able to demonstrate that actual emissions, for the two annual periods (24 consecutive months) immediately preceding submittal of the required application for this program, do not exceed any of the below listed levels. Note that these levels represent 50% of the Title V applicability thresholds.

1. 50 tons per year of any regulated air pollutant (excluding nonattainment pollutants in serious nonattainment areas and hazardous air pollutants).
2. 25 tons per year of volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area.
3. 5 tons per year of a single hazardous air pollutant.
4. 12.5 tons per year of any combination of hazardous air pollutants.

Your facility may apply for coverage under the new General Permit program by completing the enclosed application form and returning it to this office (as soon as possible) **OR** (Due Date). [To assist you in this effort, we have enclosed a copy of your facility's current (annual emissions inventory report) **OR** (registration statement). Please review this information carefully for items that may require correction or emission units which may have been omitted from previous submittals.] All emission units at your facility should be identified in your application. Your application should also include calculations of actual and potential emissions of all regulated air pollutants for which your facility qualifies as a major source, for each of the two preceding annual periods. [Note that although certain parts of the application form are considered either optional or supplemental, this and additional information may be requested by the staff to determine whether your facility qualifies for coverage under the General Permit.]

Upon receipt of the application, the (Region Name) Regional Office staff will notify you in writing of any application deficiencies within 30 days. If your application is complete and the information indicates that your facility qualifies, you will receive a letter from the Department indicating that your facility has been authorized to operate under the General

(Mr., Mrs., Ms.) (First name) (Last name)
December 21, 2005
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Permit. A copy of the Exclusionary General Permit and your application will be included with the authorization letter. Copies of these documents must be kept at the facility. The effective date of your facility's coverage under the program will be the date on the letter authorizing acceptance into the General Permit program.

Please note that, if you elect not to apply for either the Exclusionary General Permit or a State Operating Permit, you may be required to apply for a Title V permit by (source's deadline for applying) **OR** (within the next 6 -12 months in accordance with the Department's application submission schedule) to remain in compliance with State and Federal air regulations.

Please contact (Engineer's Name) at (Engineer's Telephone) if you have any questions about this, or any of the State's other permit programs.

Sincerely,

(APM's name)
Air Permit Manager

Enclosures:

1. Form 500
2. Exclusionary General Permit (9 VAC 5 Chapter 500)
- [3. Emission Inventory OR Registration Statement]

c. [(Regional [Air] Compliance Manager)]

FORMGP1.FNL

Form GP-2
Exclusionary General Permit Application Review Checklist

Source Name _____ Registration Number _____
DEQ Engineer _____ Date _____
PATS Number _____ County-Plant ID=s _____ -

Application Review

- _____ Document Certification Form completed
 - _____ Compliance Certification Form completed
 - _____ Emission Units, or groups of Emission Units listed by Unit Reference Number, including maximum hourly, daily and yearly feed inputs and outputs
 - _____ Estimates of actual emissions of regulated air pollutants for which the source is considered major provided by Unit Reference Number for two annual periods; basis of estimate provided
 - _____ Optional lb/hr and t/yr controlled emission estimates for criteria pollutants and HAPs provided by Unit Reference Number; basis of estimates provided
 - _____ Calculations checked and emission estimates confirmed, or corrected
 - _____ Confirmed that listing of regulated air pollutants is correct
 - _____ Optional: Manufacturer=s name, date of construction, flow diagram or process schematic provided, including narrative description of feed materials, product materials, reaction intermediates and by-products; optional MSDS included
-
- _____ Source eligible for General Permit: authorization letter (Form GP-3) prepared
 - _____ Source ineligible: letter (Form GP-5) prepared with T5 or SOP application forms enclosed
 - _____ Source must obtain NSR permit also, Form GP-5 letter prepared with Form 7 enclosed
 - _____ All tracking information entered in PATS
 - _____ Source classified in AIRS as >A= source, action (issuance of General Permit) coded as >EG=

-
- _____ Date application received
 - _____ Date receipt/information request letter (Form GP-4) sent
 - _____ Date ineligibility letter (Form GP-5) sent
 - _____ Application sufficiency date
 - _____ Date authorization letter (Form GP-3) sent
-

Permit Engineer=s Signature _____

Air Permit Manager=s Signature _____

FORMGP2.FNL

Form GP-3

December 21, 2005

(Mr., Mrs., Ms.) (First name) (Initial) (Last name)
(Company name)
(Company mailing street or PO Box)
(City) (State) (Zip)

[CERTIFIED MAIL]
[RETURN RECEIPT REQUESTED]

Location: (Facility location)
Registration Number: (Reg. No.)
County-Plant Nos: (xxxx)-(xxxx)

Dear (Mr., Mrs., Ms.) (Last name):

Our staff has received the Exclusionary General Permit Application for your facility dated (date on signed application). Your facility is hereby authorized to operate under the Exclusionary General Permit, on the basis of the information contained in your application.

Enclosed with this letter is a copy of the Exclusionary General Permit regulation (9 VAC 5 Chapter 500). General Permit terms and conditions are contained in Part IV of this regulation. The effective date of your facility's coverage under the Exclusionary General Permit is the date of this letter. Pursuant to 9 VAC 5-500-130 E, a copy of this letter, along with the permit and a copy of the enclosed application referenced above, shall be retained on-site for future reference.

Please read the permit carefully. You are responsible for compliance with all permit terms and conditions and you should operate your facility in accordance with the specifications and parameters outlined in your application.

In particular, note the recordkeeping and reporting requirements in 9 VAC 5-500-190 and 9 VAC 5-500-200, respectively. If your facility is subject to recordkeeping and reporting requirements, an Annual Emissions Update (9 VAC 5-500-200 B) and Compliance Certification (9 VAC 5-500-210 C) should be submitted to this office by April 1 of each year. If your facility is subject to the semiannual reporting requirements under 9 VAC 5-500-200 C, such reports should

be submitted to this office on April 1 and October 1 of each year. Include, in your April 1 submission, the Annual Emissions Update and Compliance Certification. Annual emissions updates required for compliance with this General Permit may be combined with any additional Departmental reporting requirements related to updating your facilities annual emission inventory. Please also note that, pursuant to 9 VAC-500-200 A, all reports must be signed by a responsible company official and include a document certification statement.

If 9 VAC 5-500 -120 E 3 exempts your facility from the recordkeeping requirements of 9 VAC 5-500 -190 and the reporting requirements of 9 VAC 5-500-200, you are still required to maintain records that are adequate to demonstrate that your facility's actual emissions are not in excess of the applicable General Permit emission levels. DEQ may also request that your facility submit an annual emissions update.

You are also reminded that in the event actual emissions from your facility exceed the applicable emission levels for coverage under the General Permit, the facility may continue to operate under the authority of this permit, provided the following conditions are met:

1. At least 30 days prior to the end of any annual period during which actual emissions of the stationary source is expected to exceed the emission levels, you have provided notification to DEQ that you will submit an application for a Title V or state operating permit.
2. We receive from you a complete Title V permit application, or have issued you a state operating permit within 12 months of the notification in 1 above.

9 VAC 5-500-50 I provides that decisions made pursuant to this General Permit regulation can be appealed to the State Air Pollution Control Board in accordance with 9 VAC 5-20-90 and 9 VAC 5-20-130 B 2. These sections specify, in part, that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. In the event you receive this permit by mail, three days are added to the period in which to file an appeal. Note that permit decisions made pursuant to this General Permit regulation are not subject to judicial review (see 9 VAC 5-500-50 J). Please consult the relevant regulations for additional requirements for such requests.

If you have questions, please contact (Engineer=s Name) at (Engineer=s telephone).

Sincerely,

(name)

Air Permit Manager

(APM=s initials)/(Engineer=s initials)/(typist=s initials)/GP3(five-digit reg. number).(month/year)

Enclosure: General Permit
Completed Form 500

- c. (Director, OPATS, electronic file submission)
(Manager, Data Analysis, electronic file submission)
(Manager, Enforcement and Compliance, electronic file submission)

Form GP-4

December 21, 2005

(Mr., Mrs., Ms.) (First name) (Initial) (Last name)
(Company name)
(Company mailing street or PO Box)
(City) (State) (Zip)

[CERTIFIED MAIL
RETURN RECEIPT REQUESTED]

Registration Number: (five-digit air reg. no.)

Dear (Mr., Mrs., Ms.) (Last name):

We have received your application dated (date on application) for the Exclusionary General Rule Permit for your facility located at (facility location: town or county, etc.). The application was received in our office on (month, day and year application was received in DEQ office). Initial review of your application and information indicates that your facility may be subject to coverage under the Exclusionary General Permit in 9 VAC 5 Chapter 500.

[Our staff is continuing their evaluation of your application and will notify you of a final determination. If additional information is needed to make a determination, it will be requested at a later date.] **OR** [The following information is required in order for us to complete our review:

- _____;
- _____.

If the requested information is not received in our office within thirty days of the date of this letter, your General Permit application will be considered withdrawn. If additional time is required in order for you to provide the requested information, an extension to the original thirty day withdrawal deadline may be granted by DEQ if requested in writing prior to the expiration of the first time period.]

(Mr., Mrs., Ms.) (First name) (Last name)

December 21, 2005

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If you have questions, please contact (Engineer=s Name) at (Engineer=s Telephone).

Sincerely,

(Engineer=s Name)

(Engineer=s Title)

(Engineer=s)/(typist=s initials)/GP4(five-digit reg. number).(month/year)

[Enclosure: _____]

c. [(Regional Permit Manager)]
[(Regional Compliance Manager)]

FORMGP4.FNL

Form GP-5

December 21, 2005

(Mr., Mrs., Ms.) (First name) (Initial) (Last name)
(Company name)
(Company mailing street or PO Box)
(City) (State) (Zip)

[CERTIFIED MAIL
RETURN RECEIPT REQUESTED]

Dear (Mr., Mrs., Ms.) (Last name):

Our engineering staff has reviewed your Exclusionary General Permit [application or addendum information] dated (date on application or addendum) for your facility located at (facility location: town or county, etc.). The [application or addendum information] was received on (date application or addendum received in DEQ regional office). The DEQ Air Division registration number for this facility is (five-digit reg. no.).

The analysis indicates [your facility may be ineligible for inclusion under this General Permit because your actual emissions for the two-year period preceding your application are excess of the thresholds specified in 9 VAC 5 Chapter 500. Because your emissions are above these thresholds, you must apply for and obtain either a State Operating Permit to limit your potential to emit to levels less than the Title V thresholds, or you must obtain a Title V permit. Enclosed with this letter are the Form 7 application for State Operating Permits and the Form 805 application for Title V permits.] **OR** [your facility is ineligible for inclusion under this General Permit because _____.] **OR** [the following equipment referenced on your application may be subject to permitting in accordance with the provisions of 9 VAC 5-80-10:

- _____;
- _____.

In order to assist the staff in reviewing permit applicability, you must submit an application for a permit to construct and operate the above listed units. A copy of Form 7 is enclosed for your use. Applicable sections of this form should be completed and returned to this office within thirty days of receipt.]

(Mr., Mrs., Ms.) (First name) (Last name)
December 21, 2005
Page 2

Failure to obtain the proper permit in a timely manner may result in enforcement action. You are encouraged to evaluate your situation and respond appropriately as soon as possible. If you have any questions, please contact (Engineer=s Name) at (Engineer=s Telephone).

Sincerely,

(Engineer=s Name)
(Engineer=s Title)

(Engineer=s initials)/(typist=s initials)/GP5(five-digit reg. number).(month/year)

[Enclosure: _____]

c. [(Regional Permit Manager)]
[(Regional Compliance Manager)]

FORMGP5.FNL